

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	File No.: EB-10-DT-0114
Doctor Radio’s CB Shop)	
)	Citation No.: C201132360001
Monroe, Michigan)	
)	
)	

CITATION

ILLEGAL MARKETING OF UNAUTHORIZED RADIOFREQUENCY DEVICES

Adopted: January 4, 2011

Released: January 5, 2011

By the District Director, Detroit Office, Northeast Region, Enforcement Bureau:

I. INTRODUCTION

1. This is an official CITATION issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (“Communications Act”),¹ to Doctor Radio’s CB Shop (“Doctor Radio”) for marketing unauthorized radio frequency devices in the United States in violation of Section 302(b) of the Communications Act,² and Section 2.803(a)(1) of the Commission’s rules (“Rules”).³

2. Doctor Radio should take immediate steps to come into compliance and to avoid any recurrence of this misconduct. As explained below and as provided in the Communications Act, future violations of the Rules in this regard may subject your company to substantial monetary penalties, seizure of equipment, and criminal sanctions.

II. BACKGROUND

3. On October 20, 2010, an agent from the Enforcement Bureau’s Detroit Office (“Detroit Office”) visited the Doctor Radio store located at 1255 N. Dixie Highway, Monroe, Michigan, and observed that the store offered for sale the Cobra Sound Tracker and the Cobra 150 GTL DX. A store employee explained to the agent that the Cobra Sound Tracker, a Citizens Band (“CB”) transceiver, was modified to operate with 170 watts of power. The store employee further explained that the Cobra 150 GTL DX was an amateur radio that could operate on CB frequencies.

¹ 47 U.S.C. § 503(b)(5).

² 47 U.S.C. § 302a(b).

³ 47 C.F.R. § 2.803(a)(1).

III. APPLICABLE LAW AND VIOLATIONS

4. Section 302(b) of the Communications Act provides that “[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section.”⁴

5. Section 2.803(a)(1) of the Commission’s implementing regulations provides that “no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless: [i]n the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled....”⁵

6. Radio transceivers used in the CB radio service must be certified by the FCC prior to marketing. Internal modifications to a certificated CB transmitter are not allowed and will void a CB transceiver’s certification.⁶ The Cobra Sound Tracker offered for sale to the agent was modified to allow an output power that far exceeded the power level permissible under 47 C.F.R. § 95.410. Such modification voided the transceiver’s certification and therefore cannot be sold in the United States.

7. Dual use CB and amateur radios may not be certificated under the Commission’s rules. Section 95.655(a) of the rules specifically states: “...([CB] Transmitters with frequency capability for the Amateur Radio Services... will not be certificated).”⁷ Accordingly, such devices cannot legally be imported or marketed in the United States.⁸ The Cobra 150 GTL DX offered for sale at Doctor Radio had both CB and amateur radio capability and therefore cannot be sold in the United States.

IV. FUTURE COMPLIANCE

8. If, after receipt of this Citation, Doctor Radio violates the Communications Act or the Rules by engaging in conduct of the type described herein, the Commission may impose monetary forfeitures of up to \$16,000 for each such violation or each day of a continuing violation and up to \$112,500 for any single act or failure to act.⁹ In addition, violations of the Communications Act or the Rules can result in seizure of equipment through *in rem* forfeiture actions, as well as criminal sanctions, including imprisonment.¹⁰

9. Doctor Radio may respond to this Citation within thirty (30) days after the release date of this Citation either through (1) a personal interview at the closest FCC office, or (2) a written statement. Any written statements should specify what actions have been taken by Doctor Radio to ensure that it

⁴ 47 U.S.C. § 302a(b).

⁵ 47 C.F.R. § 2.803(a)(1).

⁶ 47 C.F.R. § 95.409.

⁷ 47 C.F.R. § 95.655(a).

⁸ See Response from the Commission’s General Counsel to the U.S Customs Service, dated May 17, 1999, 14 FCC Rcd 7797 (1999) (advising U.S. Customs Service that dual use CB and amateur radios are not acceptable for importation into the United States).

⁹ See 47 U.S.C. § 401, 501, 503; 47 C.F.R. § 1.80(b)(3). This amount is subject to further adjustment for inflation (see *id.* § 1.80(b)(5)), and the forfeiture amount applicable to any violation will be determined based on the statutory amount designated at the time of the violation.

¹⁰ See 47 U.S.C. § 510.

does not violate the Rules governing the marketing of radio frequency devices in the future. Please reference file number EB-10-DT-0114 when corresponding with the Commission.

10. Under the Privacy Act of 1974, any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.¹¹ Any knowingly or willfully false statement, or concealment of any material fact, made in reply to this Citation is punishable by fine or imprisonment.¹² Please also note that Section 1.17 of the Rules requires that you provide truthful and accurate statements to the Commission.¹³

V. CONTACT INFORMATION

11. The closest FCC Office is the Detroit Office in Farmington Hills, Michigan. You may contact James Bridgewater by telephone, (248) 471-5661, to schedule a personal interview, which must take place within thirty (30) days after the release date of this Citation. You should send any written statement within thirty (30) days after the release date of this Citation to: Federal Communications Commission, Detroit Office, 24897 Hathaway Street, Farmington Hills, MI 48335.

12. Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Please allow at least five (5) days advance notice; last minute requests will be accepted, but may be impossible to fill. Send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations:
202-418-0530 (voice), 202-418-0432 (tty);

To request this document in accessible formats for people with disabilities (braille, large print, electronic files, audio format): 202-418-0530 (voice), 202-418-0432 (tty).

¹¹ See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

¹² See 18 U.S.C. § 1001 *et seq.*

¹³ 47 C.F.R. § 1.17 (“... no person subject to this rule shall; (1) In any written or oral statement of fact, intentionally provide material factual information that is incorrect or intentionally omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading; and (2) In any written statement of fact, provide material factual information that is incorrect or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading.”).

VI. ORDERING CLAUSES

13. **IT IS ORDERED** that a copy of this Citation shall be sent both by First Class U.S. Mail and Certified Mail, Return Receipt Requested mail to Doctor Radio's CB Shop at 1255 N. Dixie Highway, Monroe, Michigan.

FEDERAL COMMUNICATIONS COMMISSION

James A. Bridgewater
District Director
Detroit Office
Northeast Region
Enforcement Bureau